

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**FILED**  
**CLERKS OFFICE**  
**2005 FEB 17 P 12:41**  
**U.S. DISTRICT COURT**  
**DISTRICT OF MASS**

**CIVIL ACTION NO.: 04-12305-RGS**

**TERRY GEXLER,**  
**Plaintiff,**

**vs.**

**UNITED PARCEL SERVICE, INC.,**  
**Defendant.**

**PLAINTIFF'S AUTOMATIC DISCLOSURE**

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, the plaintiff submits the following information relevant to the disputed facts in the above-captioned matter:

- I. The following individuals are likely to have discoverable information relevant to the allegations set forth in the plaintiff's complaint:
  - a. Terry Gexler;
  - b. Barry E. Poret, M.D., 5 Adams Road, Greenfield, MA 01301;
  - c. James Peabody, Liberty Mutual Insurance, 520 White Plains Avenue,  
Tarrytown, NY 10591;
  - d. Chris Collins, Liberty Mutual Insurance, 520 White Plains Avenue,  
Tarrytown, NY 10591;
  - e. William Groves, Liberty Mutual Insurance, Westwood, MA;
  - f. William Anderson, UPS, 90 Locust Street, Hartford, CT 06114;
  - g. Victor Birch, UPS, 90 Locust Street, Hartford, CT 06114;




- h. Joe Diagua, UPS, Personnel Office, West Springfield, MA;
- i. Jeff Mazey, UPS, Manager, South Deerfield, MA;
- j. Mike Covey, UPS Driver, South Deerfield, MA; and
- k. Michael O'Connor, Business Agent, Teamsters 404

II. The following documents in the possession, custody or control of the plaintiff/plaintiff's counsel include the following:

- a. Medical records relating to the injuries the plaintiff sustained as a result of the industrial accident of January 28, 1999;
- b. Lump sum agreement, consent form and other pertinent documents relative to the lump sum settlement of the plaintiff's industrial accident claim of January 28, 1999;
- c. Medical clearance note dated April 4, 2003 from plaintiff's primary care physician, Barry E. Poret, M.D.;
- d. Letter dated March 14, 2003 from Plaintiff's counsel directed to Chris Collins of Liberty Mutual Insurance Company; and
- e. Letter dated April 9, 2003 from Plaintiff's counsel directed to Victor Birch of United Parcel Service;

THE PLAINTIFF,  
TERRY GEXLER

By   
Michael R. Rawson, Esq., of  
RAWSON MERRIGAN &  
MERRIGAN, LLP  
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(617) 348-0988  
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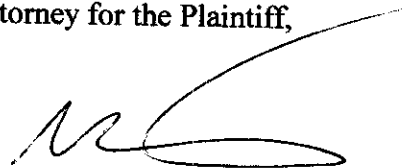
Dated: 2/15/05



**Certificate of Service**

I, Michael R. Rawson, hereby certify that a copy of the Plaintiff's Automatic Disclosure has been served by mailing a copy of same first-class mail, postage prepaid this 16<sup>th</sup> day of February, 2005 to: Laurie Alexander-Krom, Esq., Murtha Cullina, LLP, 99 High Street, Boston, MA 02110-2320.

Attorney for the Plaintiff,

A handwritten signature in black ink, appearing to be 'MR', with a long, sweeping horizontal line extending to the right.

Michael R. Rawson, BBO # 555361  
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